

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Hal Durham,

Case No. 20-CV-1250 (NEB/BRT)

Plaintiff,

v.

ORDER

Federal Bureau of Prisons; Elkton Prison
in Ohio; Trumbull Memorial Hospital;
FMC Rochester; Michael Carvajal;
Midmark Diagnostics Group; Larry
Woods; J. Dunlop; Lori Hunter; Kathy
McNutt; John R. Becker; Charles Slater;
Liz Choflet; Andrew Schumacher; C.
McConnell; Holly Martinez; U.S.
Department of Public Health; John Doe
Director of Public Health; Kathy Lubahn;
and John and Jane Does #1–10,

Defendants.

IT IS HEREBY ORDERED THAT:

1. The Court's Order of October 23, 2020, (Doc. No. 8), is **WITHDRAWN**.
2. Plaintiff Hal Durham's Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 7), is **GRANTED**.
3. Durham must submit a properly completed Marshal Service Form (Form USM-285) for each defendant. If Durham does not complete and return the Marshal Service Forms within 30 days of this Order's date, the Court will recommend dismissing this matter without prejudice for failure to prosecute. Marshal Service Forms will be provided to Durham by the Court.

4. After Durham returns the completed Marshal Service Forms, the Clerk of Court is directed to seek waiver of service from Defendants Trumbull Memorial Hospital and Midmark Diagnostics Group, consistent with Rule 4(d) of the Federal Rules of Civil Procedure.

5. If either Trumbull Memorial Hospital or Midmark Diagnostics Group fails without good cause to sign and return a waiver within 30 days of the date that the waiver is mailed, the Court will impose upon that defendant the expenses later incurred in effecting service of process. Absent a showing of good cause, reimbursing service costs is mandatory in all cases in which a defendant does not sign and return a waiver-of-service form. *See* Fed. R. Civ. P. 4(d)(2).

6. After Durham returns the completed Marshal Service Forms, the U.S. Marshals Service is directed to:

- a. effect service of process on Defendants Federal Bureau of Prisons, Elkton Prison in Ohio, FMC Rochester, and U.S. Department of Public Health, consistent with Rule 4(i)(2) of the Federal Rules of Civil Procedure;
- b. effect service of process on Defendants Michael Carvajal, Larry Woods, J. Dunlop, Lori Hunter, Kathy McNutt, John R. Becker, Charles Slater, Liz Choflet, Andrew Schumacher, C. McConnell, Holly Martinez, John Doe Director of Public Health, and Kathy Lubahn, consistent with Rule 4(i)(3) of the Federal Rules of Civil Procedure.

Date: October 29, 2020

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge